

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED
2008 MAY 23 AM 9:18

UNITED STATES OF AMERICA,

Plaintiff,

v.

Eva HERNANDEZ-Perez

Defendant.

'08 MJ 1614

Magistrate Case No.


COMPLAINT FOR VIOLATION OF

Title 8, U.S.C., Section
1324(a)(2)(B)(iii)-
Bringing in Illegal Alien(s)
Without Presentation

The undersigned complainant being duly sworn states:

On or about **May 21, 2008**, within the Southern District of California, defendant **Eva HERNANDEZ-Perez**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Eugenio TORRES-Mancilla**, **Fidela MUNGIA-Mejia**, and **Carolina BAYOLO-Ramos**, had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said aliens, and upon arrival did not bring and present said aliens immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


SIGNATURE OF COMPLAINANT
Sara Esparagoza, United States Customs
and Border Protection Enforcement Officer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **23rd** DAY OF **May, 2008**.


UNITED STATES MAGISTRATE JUDGE

PROBABLE CAUSE STATEMENT

The complainant states that **Eugenio TORRES-Mancilla, Fidela MUNGIA-Mejia, and Carolina BAYOLO-Ramos**, are citizens of a country other than the United States; that said aliens have admitted they are deportable; that their testimony is material; that it is impracticable to secure their attendance at trial by subpoena; and that they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On May 21, 2008, at approximately 5:35 PM, **Eva HERNANDEZ-Perez (Defendant)**, applied for admission into the United States at the San Ysidro, California Port of Entry as the driver and sole visible occupant of a tan 2004 Chevrolet Cavalier. A Customs and Border Protection (CBP) Canine Enforcement Officer noticed that his service canine alerted to the vehicle and requested assistance. Another CBP Officer arrived to the vehicle and initiated an inspection with Defendant. Defendant claimed ownership of the vehicle and stated she was going to San Ysidro. An inspection of the vehicle revealed several individual concealed in the trunk. The vehicle and its occupants were subsequently escorted to secondary for further inspection.

In secondary, CBP Officers removed four adults and one minor from the trunk of the vehicle. The five concealed persons were determined to be citizens of Mexico without entitlements to enter the United States. Three of the five individuals were retained as Material Witnesses and are now identified as: **Eugenio TORRES-Mancilla (MW1), Fidela MUNGIA-Mejia (MW2), and Carolina BAYOLO-Ramos (MW3)**.

During a videotaped proceeding, Defendant was advised of her Miranda rights and elected to submit to questioning without benefit to counsel. Defendant admitted knowledge of at least two or three persons concealed in the vehicle. Defendant admitted she was driving the vehicle in exchange for a waiver of a \$3,700.00 USD smuggling fee. Defendant stated she was to follow another vehicle to an unknown location in the United States and then travel to Los Angeles, California to look for work.

On separate videotaped interviews, Material Witnesses admitted they are citizens of Mexico without legal rights to enter the United States. **MW1** and **MW2** stated they were unsure of the amount they were to pay to be smuggled into the United States. **MW3** stated she was going to pay approximately \$3,000.00 USD to be smuggled into the United States. Material Witnesses stated they were going to the United States to seek residency and employment.